

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ROBERT CURRY and LAURA CURRY,

Plaintiffs,

-against-

TOWN OF ISLIP, PHILIP NOLAN, Supervisor,
ROBERT H. FINNEGAN, Director of Labor,
RICHARD K. BAKER, Commissioner,

Defendants.

For Online Publication Only

ORDER

13-CV-3597 (JMA) (SIL)

AZRACK, United States District Judge:

Before the Court are objections submitted by plaintiffs to Magistrate Judge Locke's December 8, 2017 Report and Recommendation ("R&R"). The R&R recommends that defendants' motion to dismiss be granted and that Laura Curry's claims be dismissed with prejudice. Having conducted a review of the full record and the applicable law, for the following reasons, the Court adopts the R&R in its entirety as the opinion of the Court.

In reviewing a magistrate judge's report and recommendation, the court must "make a de novo determination of those portions of the report or . . . recommendations to which objection[s][are] made." 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 05-CV-5579, 2006 WL 3851152, at *2 (S.D.N.Y. Dec. 29, 2006). The court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Those portions of a report and recommendation to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

Plaintiffs' only specific objection to the R&R is that plaintiffs never consented to Magistrate Judge Locke issuing a report and recommendation on defendants' motion to dismiss. This argument is meritless because the Court has the authority to refer a motion to a magistrate judge for a report and recommendation even if none of the parties consent to such a referral.

Because plaintiffs have not offered any other specific objection to the R&R, the Court reviews the R&R for clear error. Finding no such error, the Court overrules plaintiffs' objection and adopts the R&R in its entirety. Accordingly, the Court grants defendants' motion to dismiss, and dismisses all the claims brought by Laura Curry with prejudice.

The Clerk of Court is directed to mail copies of this order to the pro se plaintiffs.

SO ORDERED.

Dated: January 12, 2018
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE